IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2022 OF 2003

Mr. Rajiv R. Joshi ... Petitioner

Vs.

The Chairman & Managing Director
United India Insurance Co. Ltd. & Ors... Respondents

Mr. S.P. Saxena for the petitioner.

Mr. V.Y. Sanglikar for respondents 1 to 3.

CORAM: V.G. PALSHIKAR &
SMT. RANJANA DESAI, JJ.

DATED: 9TH AUGUST, 2004.

P.C.:-

By this petition, the petitioner has challenged the action of the respondent-Corporation in not considering the case of the petitioner for grant of promotion from the post of the Assistant Manager to the post of Deputy Manager. According to the petitioner, he has a right to be considered for the promotional post as envisaged under Article 16. In reply to the notice issued to the Corporation, a categorical statement is made that on all the three occasions the case of the petitioner was considered and, on an overall appreciation of all the candidates, some candidates found to be suitable were taken up. The right of the petitioner to be considered for the promotional post, as envisaged is, therefore, fulfilled. Therefore, there is no reason why we should

interfere in this case. It was also contended that the petitioner has not been communicated any remarks adverse to him. The presumption, therefore, in such a situation is that there is no adverse remarks against the petitioner. A submission is made based on surmises only that there can be something which is less than the standard required for promotional post and, if that is so, relying on U.P. Jal Nigam's case, it was contended that such remarks ought to be communicated and, if not communicated, it cannot be acted upon. Apart from that, there is no material to show that the petitioner's case has not been considered. The reply is also very clear that the case of the petitioner has been considered from all aspects. In view of this, no interference is called for.

The petition is, therefore, dismissed.

(V.G. PALSHIKAR, J.)

(SMT. RANJANA DESAI, J.)